



STAFF REVIEW

Variance Case #: V2014-22

Legistar #: 20140753

City Council Hearing: Wednesday, August 13, 2014 – 7:00 p.m.

Property Owner: Four H's
% Warren Hutton
P. O. Box 158
Hickory, N. C. 28603

Applicant: Keith Cristal
1794 Roswell Road
Marietta, GA 30062

Address: 1798 Roswell Road

Land Lot: 11340 District: 16 Parcel: 0100

Council Ward: 7A Existing Zoning: CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow a pylon sign. [§714.04 (F)]
2. Variance to relocate four street trees to the side yard of the property. [§712.08 (G.2.a.)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Sign and street trees at 1798 Roswell Road

Staff Analysis:

Keith Cristal is requesting variances for the property at 1798 Roswell Road. This property is zoned CRC (Community Retail Commercial), is approximately three (3) acres in size, and is adjacent to an apartment complex, zoned RM-12, in Cobb County. Mr. Cristal is requesting variances that would allow him to modify the existing sign and relocate street trees from the Roswell Road frontage for better sign visibility.

In March 2013, Mr. Cristal received approval from the Board of Zoning Appeals on March 25, 2013 for the following (V2013-15):

Waive the minimum standards for parking and driveway surfaces so as to allow parking of vehicles on an untreated hardened surface with the following stipulations:

- 1. All boat/RV storage areas must be covered with gravel, slate, stone, or other similar material. However, the material, as well as the size and depth of the material on site, must be approved by the Public Works Director. This material must be in place and approved by Code Enforcement and the Public Works Department prior to obtaining a business license to store boats/RVs on the property.*
- 2. Street trees will be planted along the front of the road, but each tree is planted within the legal requirements set forth in the existing Tree Ordinance in the city of Marietta.*
- 3. An opaque fence, covered with a dark green or black windscreen in areas except adjacent to street, must be installed along the property line between the subject property and the apartment complex. The fence must be installed within one year of the date of the approved variance.*
- 4. The existing/abandoned "JOA Marine" pole sign must be reduced for height and change the fascia within one (1) year of the date of the approved variance.*

Mr. Cristal agreed to all the stipulations at the BZA meeting and specifically stated that he would bring the sign into compliance by reducing the height of the sign and building a brick base for a monument style sign.

In order to comply with the stipulations of the variance, the applicant sought the services of a sign company in order to comply with stipulation #4. To bring the sign into compliance, current regulations require that it must:

1. Be located at least 5' from any property line;
2. Contain the address numbers (6" minimum);
3. Be less than 15' in height;
4. Contain a sign panel area of no more than 90 s.f.;
5. Contain a sign structure area of no more than 90 s.f.; and
6. Be a monument-style sign. To be considered a monument style sign, as opposed to a pylon sign, the sign must form "*a solid structure from the top of the sign to the ground. No open spaces which allow a direct line of sight from one side of the sign to the other are permissible in the area beneath the highest point of the sign face.*"

The sign design presented by the applicant does not meet the definition for a monument sign because the base is not as wide as the cabinet. If the sign were left at 15' tall and the base broadened to meet the monument sign criteria, the area of the sign structure (126 s.f.) would exceed the allowable 90 s.f. Rather than apply for a variance for the sign structure area, the applicant has chosen to apply for a variance from the sign design so as to allow it to be a pylon sign. Alternatively, the applicant could use the existing cabinet, by reducing the height of the sign to between 12' and 13' overall and yield a sign structure no more than 90 s.f. Under this alternative, no variances would be necessary for this design, as long as the sign structure is as wide as the cabinet. However, the applicant wishes to maximize the height of the sign at 15' as a pylon-style sign.



It should be noted that there is an inconsistency in the information provided by the applicant. The application states that the existing sign cabinet is 13'x6', but the renderings prepared by the sign company indicate the existing cabinet is 14'x6'. However, as long as the existing cabinet is not larger than 90 s.f., additional variances will not be necessary.

The second variance being requested involves the relocation of four recently-planted street trees located along the northern section of Roswell Road frontage to the north side yard of the property. The applicant planted seventeen (17) street trees (one spaced every thirty feet minus driveways) in April 2014 - over a year after the variance was approved, and after being contacted several times by Code Enforcement staff. The applicant is requesting to be able to relocate these four trees to the side of the property in order to make the sign more visible to drivers on Roswell Road. The proposed location of the trees does not meet the purpose of having street trees, although the trees will eventually provide some benefit since the area nearby has been recently cleared by GDOT for the State Route 120 Loop intersection improvement.